

RECEIPT # 55886  
 AMOUNT \$ 190  
 SUMMONS ISSUED \_\_\_\_\_  
 LOCAL RULE 4.1 \_\_\_\_\_  
 WAIVER FORM \_\_\_\_\_  
 MCF ISSUED YR  
 BY DPTY. CLK. 7-13-04  
 DATE

UNITED STATES DISTRICT COURT  
 DISTRICT OF MASSACHUSETTS

C.A. No. 04-10956 REK

ERNEST OGLETREE,

Plaintiff

v.

CITY OF ATTLEBORO, STURDY  
 MEMORIAL HOSPITAL, INC., JAMES G.  
 MACDONALD, DOUGLAS JOHNSON,  
 MICHAEL BARTUCCA, ROBERT A. STIN,  
 and LEWIS RHEAUME,

Defendants

MAGISTRATE JUDGE Din

NOTICE OF REMOVAL

TO THE JUDGES OF THE UNITED STATES DISTRICT COURT FOR THE DISTRICT OF MASSACHUSETTS:

Now come the defendants pursuant to the provisions of 28 U.S.C. §§1441 and 1446, and hereby file notice of the removal of this action from the Superior Court of the Commonwealth of Massachusetts, County of Bristol, where it is currently pending, based upon the following grounds:

1. This is an action in which the plaintiff alleges violations of his civil rights under the Fourteenth Amendments to the U.S. Constitution. The plaintiff seeks relief presumably pursuant to 42 U.S.C. §1983. See Complaint, ¶¶ 56-63; and 67-69, affixed hereto and incorporated by reference. The plaintiff also asserts state claims alleging interference with the enjoyment and exercise of his rights protected under the Massachusetts Constitution; violation of his civil rights incident to arrest and prosecution in violation of Massachusetts Constitution; false imprisonment; malicious prosecution; assault; battery; intentional and negligent infliction of

emotional distress; and vicarious liability. See Complaint, ¶¶ 64-66; and 70-96, affixed hereto and incorporated by reference.

2. This Court has jurisdiction over the plaintiffs' constitutional claims pursuant to 28 U.S.C. §1441.

3. This Removal is timely, as the defendants were served of this action on April 14, 2004.

4. All defendants have consented to the removal of the matter to the United States District Court for the District of Massachusetts.

SIGNED PURSUANT TO RULE 11 OF THE FEDERAL RULES OF CIVIL PROCEDURE.

DEFENDANT,  
JAMES G. MACDONALD,  
By his attorneys,

SN Turner  
Joseph L. Tehan, Jr. (BBO# 494020)  
Sarah N. Turner (BBO# 654195)  
Kopelman and Paige, P.C.  
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221051/METG/0556

CERTIFICATE OF SERVICE

I hereby certify that a true copy of the above document  
was served upon the attorney of record for each other  
party by (hand) (mail) on 5/13/04  
SN Turner

UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS

2004-05-13 A.D. 42

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Defendants

**04-10956 REK**

CIVIL COVER SHEET ATTACHMENT

Defendants' attorneys are as listed below:

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